

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE INVESTIGATION )  
ON THE COMMISSION'S OWN MOTION, UNDER )  
INDIANA CODE § 8-1-2-72, INTO ANY AND ALL )  
MATTERS RELATING TO THE COMMISSION'S )  
MIRRORING POLICY ARTICULATED IN )  
CAUSE NO. 40785 AND THE EFFECT OF THE )  
FCC'S MAG ORDER ON SUCH POLICY, )  
ACCESS CHARGE REFORM, UNIVERSAL )  
SERVICE REFORM, AND HIGH COST OR )  
UNIVERSAL SERVICE FUNDING )  
MECHANISMS RELATIVE TO TELEPHONE )  
AND TELECOMMUNICATIONS SERVICES )  
WITHIN THE STATE OF INDIANA )

FILED

JAN 21 2003

INDIANA UTILITY  
REGULATORY COMMISSION

CAUSE NO. 42144

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") made the following entry in this matter:

On December 31, 2002, Nextel West, Corp., U.S. Cellular Corporation, T-Mobile USA, Inc., Nextel Partners, Inc., and Celco Partnership d/b/a Verizon Wireless (collectively, the "Movants") filed a *Motion Requesting Clarification of Docket Entry Dated December 17, 2002* ("Motion"). In their Motion, the Movants request that the Presiding Officers clarify their December 17, 2002, Docket Entry ("Docket Entry") as it relates to the appropriate scope of the testimony that may be filed by parties that do not support the Settlement Agreement.


1. **Review of Issues.** In their Motion, the Movants recognize that the Docket Entry established a procedural schedule that required the Settling Parties, and any other party that wished to file testimony in support of the Settlement Agreement, to prefile their testimony in support of the Settlement Agreement on or before December 20, 2002. The Docket Entry further provided that any non-settling party should file testimony in response to the prefiled testimony in support of the Settlement Agreement on or before February 14, 2003. Replies to the testimony filed on February 14, 2003, should be filed with the Commission on or before February 25, 2003.

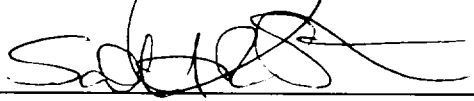
In their Motion, the Movants request clarification that the procedural schedule contained in the Docket Entry is not intended to limit the testimony of the non-settling parties, regarding whether or not the Settlement Agreement is in the public interest. The Movants contend that the parties that do not support the Settlement Agreement should be able to prefile testimony that addresses any issue relevant to the Commission's

consideration of the Settlement Agreement, including issues that may support the rejection or modification of the Settlement Agreement by the Commission. Therefore, the Movants indicate that they believe that the testimony to be filed in response to the testimony filed in support of the Settlement Agreement should not be limited to the specific issues addressed in the prefiled testimony of the parties that support the Settlement Agreement.

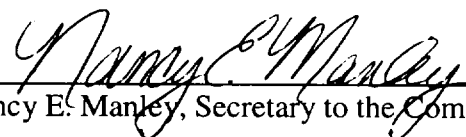
**2. *Determinations of the Presiding Officers.*** The Presiding Officers have reviewed the Motion filed by the Movants and hereby confirm that, while the Evidentiary Hearing currently scheduled in this Cause is intended to allow the Commission to consider the merits of the Settlement Agreement, the procedural schedule contained in the Docket Entry does not limit the ability of any party to fully present any issues that they believe may be relevant to the Commission's consideration of the Settlement Agreement. This includes consideration of issues that may support a determination that the Settlement Agreement should be approved, rejected or modified by the Commission. Accordingly, the testimony to be prefiled on February 14, 2003, may appropriately address all issues that the non-settling parties believe may impact the Commission's consideration of the Settlement Agreement presented in this Cause.

**IT IS SO ORDERED.**

  
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David E. Ziegner, Commissioner

  
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Scott R. Storms, Chief Administrative Law Judge

1/21/03  
\_\_\_\_\_  
Date

  
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Nancy E. Manley, Secretary to the Commission